

REMARKS/ARGUMENTS

Prior to the entry of this Amendment, claims 1-4, 6-14 and 16-22 were pending in this application. No claims have been amended, no claims have been added, and no claims have been canceled herein. Therefore, claims 1-4, 6-14 and 16-22 remain pending in this application. Applicants respectfully request reconsideration of these claims, as amended, for at least the reasons presented below.

35 U.S.C. § 103 Rejection, Shtivelman in view of Norris and Combar

The Final Office Action has rejected claims 1-4, 6, 7, 10-14, 16, 17 and 20-22 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,078,581 to Shtivelman et al. (hereinafter "Shtivelman"), in view of U. S. Patent No. 5,805,587 to Norris et al. (hereinafter "Norris") and further in view of U. S. Patent No. 6,515,968 to Combar et al. (hereinafter "Combar"). The Applicants respectfully submit that the Office Action does not establish a *prima facie* case of obviousness in rejecting these claims. Therefore, the Applicants request reconsideration and withdrawal of the rejection.

In order to establish a *prima facie* case of obviousness, the Office Action must establish: 1) some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the references or combine their teachings; 2) a reasonable expectation of success of such a modification or combination; and 3) a teaching or suggestion in the cited prior art of each claimed limitation. See MPEP §706.02(j). However, the relied upon by the Office Action do not teach or suggest each claimed limitation. For example, none of the references, alone or in combination, teach or suggest responsive to a telephone call from a calling station, forwarding the telephone call to an application server **regardless of a connection status of the called station**.

Shtivelman is directed to "Internet communication and pertains more particularly to apparatus and methods for providing call waiting services for what are known as Internet Phone (IP) calls." (Col. 1, lines 4-7) More specifically, Shtivelman discloses a system that includes "a status indicator indicating the client's Internet connection status" and "[d]uring time **that the status indicator indicates the client is Internet-connected**, on receiving a PSTN call directed to the client, the system sends, via the IP interface, an alert signal of a call waiting to an IP address associated with the client." (Col. 2, line 30-44, emphasis added) However, Shtivelman does not teach or suggest responsive to a telephone call from a calling station, forwarding the telephone call to an application server **regardless of a connection status of the called station**.

It is noted that the Office Action equates the "telephone switch" (141 of FIG. 1) with the application server recited in the pending claims. However, Shtivelman does not teach or suggest forwarding a call to the telephony switch (application server) regardless of a connection status of the called station. Rather, in the portion of Shtivelman cited by the Office Action (Col. 4, line 48 - col. 5, line 8) as allegedly teaching such a limitation, Shtivelman in fact teaches that **"when a client places a call to log onto the Internet** via his Internet Service Provider (ISP), a pre-defined forwarding number is programmed into telephony switch 151 using the Centrex functions of the switch." (Col. 4, lines 48-52, emphasis added) "The number to which incoming calls for telephone 111 are forwarded is a destination number associated with a telephony switch 141. **While the client is connected to the ISP**, all incoming calls that are designated for the client at station 110 (telephone 111) are routed via line 154 to switch 141." (Col. 4, lines 59-63, emphasis added) That is, under Shtivelman, a call to the client (callee) is forwarded to the telephony switch (application server) when the client (callee) is connected to the ISP. Thus, Shtivelman does not teach or suggest forwarding a call to the application server regardless of a connection status of the called station.

As noted previously, Norris is directed to "a call waiting feature for a called telephone station set that is busy as a result of being connected to a conventional data network, e.g., the Internet." (Col. 1, lines 7-10) However, as pointed out in the Background section of the pending application, Norris forwards a call to an access server only after notification that the called station is busy. See for example, col. 5, lines 48-58 of Norris. Thus, Norris does not teach or suggest forwarding the telephone call to an application server regardless of a connection status of the called station

Combar "provides an Internet enabled and Web-based remote interface that allows a customer to retrieve their unpriced call traffic detail information and call disposition statistics in the form of reports, as well as access and view their real-time call traffic details relating to their special service call numbers." (Col. 3, line 64 - col. 4, line 2) However, Combar does not teach or suggest responsive to a telephone call from a calling station, forwarding the telephone call to the intermediate server regardless of a connection status of the called station.

Claim 1, upon which claims 2-4 and 6-10 depend, recites in part "responsive to a telephone call from a calling station, forwarding the telephone call to the application server regardless of a connection status of the called station." However, none of the references, alone or in combination teach or suggest forwarding a telephone call to an application server regardless of a connection status of the called station. Rather, Shtivelman teaches forwarding the incoming telephone call to the telephony switch (application server) only when the client (callee) is connected to the Internet as indicated by the status indicator. Similarly, Norris teaches forwarding a call to an access server only after notification that the called station is busy. For at least these reasons, claims 1-4 and 6-10 should be allowed.

Claim 11, upon which claims 12-14 and 16-22 depend, recites in part "responsive to a telephone call from a calling station, forwarding the telephone call to the intermediate server regardless of a connection status of the called station." However, none of the references, alone or in combination teach or suggest forwarding a telephone call to an intermediate server

regardless of a connection status of the called station. Rather, Shtivelman teaches forwarding the incoming telephone call to the telephony switch (intermediate server) only when the client (callee) is connected to the Internet as indicated by the status indicator. Similarly, Norris teaches forwarding a call to an access server only after notification that the called station is busy. For at least these reasons, claims 11-14 and 16-22 should be allowed.

35 U.S.C. § 103 Rejection, Shtivelman in view of Norris and Combar and Adams

The Final Office Action has rejected claims 8 and 18 under 35 U.S.C. § 103(a) as being unpatentable over Shtivelman in view of Norris and further in view of Combar and further in view of U. S. Patent Publication No. 2004/0240651 to Adams et al. (hereinafter "Adams"). As discussed above, claim 1, upon which claim 8 depends, and claim 11, upon which claim 18 depends, are thought to be allowable. Therefore, claims 8 and 18 are also thought to be allowable at least by virtue of their dependence on an allowable base claim.

35 U.S.C. § 103 Rejections, Shtivelman in view of Norris and Combar and Norris '611

The Final Office Action has rejected claims 9 and 19 under 35 U.S.C. § 103(a) as being unpatentable over Shtivelman in view of Norris and further in view of Combar and further in view of U. S. Patent No. 6,353,611 to Norris et al. (hereinafter "Norris '611"). As discussed above, claim 1, upon which claim 9 depends, and claim 11, upon which claim 19 depends, are thought to be allowable. Therefore, claims 9 and 19 are also thought to be allowable at least by virtue of their dependence on an allowable base claim.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance and an action to that end is respectfully requested.

Appl. No. 09/660,785

PATENT

Amdt. dated: January 26, 2007

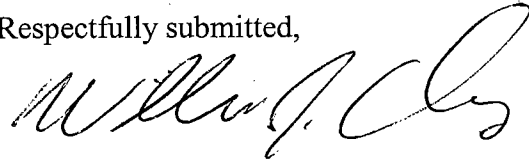
Amendment under 37 CFR 1.116 Expedited Procedure

Examining Group 2614

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

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Respectfully submitted,



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